

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WAYMO LLC,
Plaintiff,

v.

UBER TECHNOLOGIES, INC., et al.,
Defendants.

Case No. [17-cv-00939-WHA](#) (JSC)

**ORDER GRANTING IN PART MOTION
TO COMPEL INTERROGARORY
RESPONSES**

Re: Dkt. No. 1127

Federal Rule of Civil Procedure 33 limits each party to 25 interrogatories unless the parties stipulate or the court orders otherwise. Fed. R. Civ. P. 33(a)(1). Otto Trucking served Waymo with 25 interrogatories and Uber served Waymo with 24 interrogatories in several separate requests. Then Uber/Ottomotto LLC purported to serve Waymo with an additional three and then an additional 23 interrogatories for a total of 50 from Uber/Ottomotto. Waymo objects to answering interrogatories 26 through 50 on the ground that they exceed the number permitted by Rule 33 and Uber did not obtain permission from the Court for additional interrogatories. Uber/Ottomotto claims that Ottomotto LLC is a separate party from Uber and therefore entitled to its own 25 interrogatories. The Court disagrees.

Uber's reliance on the Special Master is disingenuous. Ottomotto is not meaningfully distinct from Uber and throughout this litigation Uber has not treated Ottomotto as a separate entity. It is apparent that the Special Master, Uber, Waymo and this Court have always treated Ottomotto as part of Uber and not a separate party. Uber never raised with the Special Master its current position that Uber/Ottomotto can ask 50 interrogatories of Waymo. Uber should have done so and if the matter could not be resolved, should have forthrightly asked the Court for additional interrogatories. Given the complexity of the case, and the short discovery period, allowing Uber

1 to ask more than 25 interrogatories would have been warranted. But Uber chose not to take that
2 more straight forward path.

3 Nonetheless, as at least some of the interrogatories ask for substantive information relevant
4 to this litigation, the Court will allow Uber to ask an additional 10 interrogatories. On or before
5 noon on Tuesday, August 15, 2017, Uber shall identify which 10 of already-served interrogatories
6 26 through 50 Uber wishes Waymo to respond. Waymo shall respond by Tuesday, August 22,
7 2017. The Court is not granting Waymo additional interrogatories as it has not identified any that
8 it needs and it is too late for it to come back and do so now. As the Court previously noted, it will
9 not order discovery just for the sake of ordering discovery.

10 This Order disposes of Docket No. 1127. Objections, if any, must be filed with the district
11 court on or before noon on August 16, 2017.

12 **IT IS SO ORDERED.**

13 Dated: August 14, 2017

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15 JACQUELINE SCOTT CORLEY
16 United States Magistrate Judge
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